

RECEIVED
CENTRAL FAX CENTER

JUL 16 2007

REMARKS

Claims 1-11 and 15-20 are pending in the current application. Applicants note with appreciation that Claims 1-10 are allowed.

Claim 16 is amended as discussed further below. Applicants respectfully request reconsideration based on the amendment and comments presented below.

Rejections under 35 U.S.C. §112

Claim 16 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failure to include the definition of R within the claim. This definition is now added, based on the definition of R found in the specification at page 10, lines 8-14. Withdrawal of this basis of rejection is requested.

Rejection under 35 U.S.C. §102

Claims 11 and 15 - 20 are rejected under 35 U.S.C. 102(b) as anticipated by CA 2356685 ("BASF"). Applicants respectfully traverse this rejection.

It is now asserted in the Office Action that because the claimed ranges of the different products in Claim 11 do not apply to the polyisocyanate secondary products, a composition made from polyisocyanate secondary products according to the invention somehow still overlaps the composition taught by BASF. Applicants disagree with this assertion and would welcome a phone call from the Examiner to explain how this can occur. As explained previously, the present invention uses a completely different process from BASF, with different starting materials, to make the allophanate containing polyisocyanates of the invention. Carbon dioxide is reacted with the isocyanate, which is then reacted with the ethylenically unsaturated alcohol. Because of this, the allophanates of the present invention are structurally distinct from those taught by BASF, specifically in that a urethane is the end group of the molecule, whereas in BASF the urethane linkages are interior to the polymer. As also noted previously, the process of the present invention will result in the presence of a small percentage of uretdiones in the product, whereas the composition of BASF is described as "essentially uretdione free". Applicants would like to know how a composition of the present invention, in which the starting materials are isocyanate secondary products (such as uretdiones), will be uretdione free, when the process of the invention provides a product containing uretdiones.

PO-7849

- 7 -

RECEIVED
CENTRAL FAX CENTER

JUL 16 2007

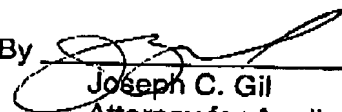
Applicants again respectfully submit that the burden of proof rests with the Examiner, as set forth in the MPEP under 2112 (IV): "In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). Applicants respectfully request withdrawal of the §102 rejection.

SUMMARY

Applicants respectfully submit that all outstanding issues have been addressed, and that Claims 1-11 and 15-20 are in condition for allowance. A notice of allowance is requested at an early date.

Respectfully submitted,

By


Joseph C. Gil
Attorney for Applicant
Reg. No. 26,602

Bayer MaterialScience LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3813
FACSIMILE PHONE NUMBER:
(412) 777-3902

f:\shared\jij\da\PO7849 response

PO-7849

- 8 -